

CHAPTER 7 AUTHORIZED USE AND USERS

751—7.1(8D) Definitions. For the purposes of interpreting these rules, the following definitions are applicable.

“Authorized facility” means a site operated by an authorized user that is consistent with the written mission of the authorized user.

“Authorized use” means use of the network by an authorized user or by persons acting on behalf of an authorized user as provided in this chapter for the following purposes of the authorized user: (1) state or federal communications as defined in this chapter; (2) education or educational purposes as defined in this chapter; (3) training programs provided under state law and training programs developed by authorized users; (4) telemedicine or related purposes as defined in this chapter; (5) official governmental use by a state agency or a federal agency as defined in this chapter consistent with authorized purposes under applicable state or federal law; (6) establishing and operating a shared data only network for law enforcement, emergency management, disaster services, emergency warning and other emergency information dissemination services to federal, state and local law enforcement agencies and local emergency management offices; or (7) city of Des Moines.

“Authorized user” means a private or public agency except for a public or private agency which was required pursuant to Iowa Code section 8D.9(1) to certify to the commission not later than July 1, 1994, of the agency’s intent to become a part of the network and which did not provide such certification. Agencies that obtain legislative approval to join the network after July 1, 1994, will be treated as a public or private agency for purposes of this definition and all provisions of Iowa Code chapter 8D.

“Commission” means the Iowa telecommunications and technology commission.

“Dial-up access” means the ability of an authorized user using technical or mechanical means to access a computer network using a telecommunications facility and modem.

“Direct connection” means a connection to the network by an authorized facility using owned, leased or contracted telecommunications facilities.

“Educational use” means a use that is within the written mission of an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, an institution under the control of the board of regents, a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, and a county library as provided in Iowa Code chapter 336.

“Federal agency” means each board, commission, department, or agency of the executive, legislative, and judicial branches of the United States, or the U.S. Post Office which receives a federal grant for pilot or demonstration projects or the independent establishments and corporations of the federal government as identified from time to time in The United States Government Manual, the official handbook of the federal government, published on an annual basis by the Office of the Federal Register as a special edition of the Federal Register. The Manual includes comprehensive information on the agencies of the legislative, judicial, and executive branches. The Manual also includes information on quasi-official agencies; international organizations in which the United States participates and boards, commissions and committees of the federal government. For example, independent establishments and corporations may include the following:

Central Intelligence Agency

Commodity Futures Trading Commission

Consumer Product Safety Commission
Defense Nuclear Facilities Safety Board
Environmental Protection Agency
Export-Import Bank of the United States
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Emergency Management Agency
Federal Reserve System
Federal Trade Commission
Federal Trade Commission's Consumer Line
General Services Administration
National Aeronautics and Space Administration
National Archives and Records Administration
National Credit Union Administration
National Foundation on the Arts and the Humanities
National Endowment for the Arts
National Endowment for the Humanities
National Railroad Passenger Corporation (Amtrak)
National Science Foundation
Nuclear Regulatory Commission
Peace Corps
Pension Benefit Guaranty Corporation
Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Small Business Administration
Social Security Administration
Tennessee Valley Authority
United States Arms Control and Disarmament Agency
United States Information Agency
United States International Development Cooperation Agency
United States International Trade Commission
United States Postal Service
United States Trade Representative

"Internet access" means access to the Internet and its successors.

"Internet service provider" means a private for-profit or a not-for-profit service provider who acts as a gateway to the Internet and its successors.

"Library" means a city library, a regional library as provided in Iowa Code chapter 256, or a county library as provided in Iowa Code chapter 336, or a library that is part of an authorized user facility and which may be a center for lifelong learning within a community, provides equity of access to information and publications in all formats whether actually stored at the library or off site, to enhance the lives of its customers regardless of age, color, creed, national origin, race, religion, marital status, gender, physical disability or familial status, economic or social status, or location, and is a place for people to gather for meetings, classes and discussion groups.

“Network” means the Iowa communications network, the fiberoptic network owned and leased by the state of Iowa and operated by the commission.

“Part I” means the communications connections between central switching hub of the network located at STARC and the 15 community colleges, the universities governed by the board of regents and Iowa public television and the other regional switching centers for the remainder of the network. These are state-owned facilities.

“Part II” means the communications connections between the Part I regional switching centers and each of the 99 counties located in the state. These are state-owned facilities.

“Part III” means the communication connections between the secondary switching centers and the school districts and libraries and any other private or public agency authorized by the general assembly to connect to the network. Part III consists of primarily leased equipment and telecommunications facilities except that some sites are owned by the state as designated by the general assembly.

“Person” means an individual, corporation, limited liability company, or any other legal entity.

“Private agency” means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, or a hospital licensed pursuant to Iowa Code chapter 135B or a physician clinic to the extent provided in Iowa Code section 8D.13, subsection 16.

“Public agency” means a state agency, an institution under the control of the board of regents, the judicial department as provided in Iowa Code section 8D.13, subsection 17, a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, a county library as provided in Iowa Code chapter 336, or a judicial district department of correctional services established in Iowa Code section 905.2 to the extent provided in Iowa Code section 8D.13, subsection 15, an agency of the federal government, or a U.S. Post Office which receives a federal grant for pilot and demonstration projects.

“Requesting authorized user” means an authorized user initiating a network video scheduling request regardless of the specific site from which the event originates.

“School” means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, an institution under the control of the board of regents, or a school corporation.

“State agency” means each board, commission, or department of the executive, legislative, or judicial branches of the state of Iowa and other entities created or authorized by the general assembly.

“State communications” refers to the transmission of voice, data, video, the written word or other visual signals by electronic means but does not include radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the public broadcasting division of the department of education, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

“Telecommunications facility” means a collection of fibers which originates at an access point and ends at the fiberoptic termination connector attached to other electronic and optronic equipment necessary to transmit voice, video or data transmissions across the fiberoptic network.

“Telemedicine” means use of a telecommunications system for diagnostic, clinical, consultative, data, and educational services for the delivery of health care services or related health care activities by licensed health care professionals, licensed medical professionals, and staff who function under the direction of a physician, a licensed health care professional, or hospital for the purpose of developing a comprehensive, statewide telemedicine network or education.

751—7.2(8D) Internet access provided by the network. The commission may offer Internet access to authorized users as permitted by these rules and 751—Chapter 16 as one of the services of the network.

751—7.3 Reserved.

751—7.4(8D) Authorized facility connectivity. The following facilities used by authorized users shall be permitted to connect directly to the network.

7.4(1) Educational facilities. The following educational facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a. Public or private K-12 schools;
- b. Public or private school administration facilities;
- c. Area education agencies;
- d. Local school board offices;
- e. Accredited private nonprofit colleges or universities eligible for tuition grants;
- f. Regents facilities;
- g. Community colleges;
- h. Off-site, dedicated classrooms, wherever located;
- i. Iowa law enforcement academy;
- j. University-affiliated research facilities.

7.4(2) State agency facilities. The following state agency facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a. State departments, agencies, and field offices;
- b. Iowa National Guard facilities;
- c. Judicial branch facilities;
- d. Community-based correction facilities;
- e. Buildings owned or leased by the state;
- f. Iowa state fairgrounds;
- g. Legislative branch facilities.

7.4(3) Federal government facilities. The following federal agency facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a. Federal departments and agencies including regional, territorial, zone and state offices;
- b. Federal judicial branch facilities;
- c. Federal legislative branch facilities;
- d. Buildings owned or leased by the federal government.

7.4(4) U.S. Post Office. A U.S. Post Office may have a direct connection to the network for voice, video and data transmissions if it receives a federal grant for a pilot or demonstration project.

7.4(5) Telemedicine connectivity. The following telemedicine facilities may connect directly to the network for video and data transmissions including Internet access.

- a. Hospitals licensed pursuant to Iowa Code chapter 135B;
- b. Physician clinics to the extent provided in Iowa Code section 8D.13(16).

7.4(6) Library connectivity. The following libraries may connect to the network for voice, video and data transmissions including Internet access.

- a. City public libraries;
- b. Regional public libraries as provided in Iowa Code chapter 256;
- c. County libraries as provided in Iowa Code chapter 336.

7.4(7) County and local government facilities. The following county and local government facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

- a. County courthouses or other state judicial facilities to the extent the courthouse or other state judicial facilities are used by state judicial branch employees or its vendors or service providers;
- b. The city of Des Moines governmental facilities.

7.4(8) Emergency services for county and local government facilities. The following facilities may be connected to the network for data transmissions only:

- a. Emergency management facilities;
- b. Federal, state and local enforcement agency facilities as provided in Iowa Code section 80.9;
- c. Disaster services sites or facilities;
- d. Emergency warning sites, facilities, or telecommunications facilities;
- e. Other emergency information dissemination service sites, facilities, or telecommunications facilities;
- f. Local emergency management offices established under the authority of Iowa Code sections 29C.9 and 29C.10.

751—7.5(8D) Use or access to all services. The following persons may use or access the network for voice, video and data transmissions including Internet access that exist or may be available in the future at the facility of an authorized user if the use is consistent with the written mission of the authorized user allowing access to the network at its site:

1. All students;
2. Faculty and educational staff;
3. Educational board members and staff;
4. School foundation members;
5. Alumni organization members;
6. State and federal employees;
7. State and federal members of boards, commissions, councils, advisory groups and committees;
8. State and federal elected officials;
9. State and federal appointed officials;
10. State and federal judges, judiciary employees, administrative law judges, associate judges, magistrates, referees, mediators and participants;
11. State and federal judicial board or commission members;
12. Employees of the city of Des Moines;
13. Community-based corrections employees;
14. Library employees or volunteer staff members;
15. Library board and staff members;
16. Library users.

751—7.6(8D) Use or access to voice and data services. The following persons may use or access the network for voice and data transmissions including Internet access that exists or may be available in the future at the facility of an authorized user if the use is consistent with the written mission of the authorized user and the person or persons are acting on behalf of the authorized user:

1. Alumni of educational institutions;
2. Educational member associations;
3. Parent-teacher organizations, for example, parent-teacher associations, home and school associations;
4. Professional boards where educational employees serve, for example, a university professor serves on the board of the Iowa Association of Economists;
5. State and federal government-sponsored entity employees, for example, Federal Home Loan Bank Board employees, Federal Deposit Insurance Corporation employees;
6. Vendors and service providers;
7. State or federal governmental association members;
8. State or federal governmental employee union members;
9. Other state governmental employees;
10. Professional boards where state or federal employees serve, for example, state employees serving on the Association of Business and Industry;
11. City and county employees;
12. Local elected officials;
13. Local boards, commissions, advisory councils or committees;
14. Fire department employees and staff whether paid or volunteer;
15. Local government associations, for example, League of Cities, ISAC.

751—7.7(8D) Use or access to full motion interactive video services—prerequisites. The full motion interactive video services may be used by certain persons and entities if the use meets the following conditions:

1. The use is within the requesting authorized user's written mission; and
2. A representative of the authorized user is present and participating in the session; or
3. The authorized user has a written contract with the person accessing the network; and
4. The use does not facilitate or enable a private person or entity to use the network for direct pecuniary gain.

7.7(1) *Use or access to full motion interactive video services.* The following persons may access the network for video transmissions at the facility of an authorized user if the use satisfies the conditions outlined above:

- a. Alumni of educational institutions;
- b. Educational member associations;
- c. Parent-teacher organizations, for example, parent-teacher associations, home and school associations;

- d.* Professional boards where educational employees serve, for example, a university professor serves on the board of the Iowa Association of Economists;
 - e.* State and federal government-sponsored entity employees, for example, Federal Home Loan Bank Board employees, Federal Deposit Insurance Corporation employees;
 - f.* Vendors and service providers;
 - g.* State or federal governmental association members;
 - h.* State or federal governmental employee union members;
 - i.* Other state governmental employees;
 - j.* Professional boards where state or federal employees serve, for example, state employees serving on the Association of Business and Industry;
 - k.* City and county employees;
 - l.* Local elected officials;
 - m.* Local boards, commissions, advisory councils or committees;
 - n.* Fire department employees and staff whether paid or volunteer;
 - o.* Federal, state and local law enforcement employees and staff;
 - p.* Emergency management employees and staff;
 - q.* County sheriff's office employees and staff;
 - r.* Local government associations, for example, League of Cities, ISAC;
 - s.* Patients acting under the direction of a licensed health care professional;
 - t.* Health care employees of facilities that have a contractual agreement with a hospital or physician clinic;
 - u.* Health care employees of facilities that do not have a contractual agreement with a hospital or physician clinic;
 - v.* Medical association members, for example, members of the Association of Iowa Hospitals and Health Systems, members of Iowa Medical Society, members of the Iowa Osteopathic Medical Association, members of the Iowa Chiropractic Society, members of the Iowa Nurses Association;
 - w.* Professional boards on which health professionals serve, for example, a physician serving on the board of the American Cancer Society.
- 7.7(2)** Reserved.

751—7.8(8D) Use or access for home-schooled students with dual enrollment. A home-schooled student with dual enrollment may use the ICN at the school district at which the student is enrolled subject to a written local school district policy for serving home-schooled students with dual enrollment.

751—7.9(8D) Use or access for U.S. Post Office employees. U.S. Post Office employees acting under a contractual pilot or demonstration project may use or access the voice, data, and video services of the network including Internet access if the use or access is part of an authorized or contractual pilot or demonstration project.

751—7.10(8D) Use or access by shared data network users. The following persons may use or access the shared data network described in Iowa Code section 8D.13(19) if the use is for the purpose of establishing and operating a shared data only network providing law enforcement, emergency management, disaster service, emergency warning, and other emergency information dissemination services to federal, state, and local law enforcement agencies as provided in Iowa Code section 80.9, and local emergency management offices established under the authority of Iowa Code sections 29C.9 and 29C.10:

1. Federal, state or local law enforcement personnel;
2. Emergency management personnel;
3. Disaster management site and facility personnel;
4. Other emergency information dissemination personnel;
5. Local emergency management personnel.

751—7.11(8D) Use or access to telemedicine users. The following persons and entities may use or access the network for data and video services including access to the Internet if the use is for telemedicine or educational purposes:

1. Licensed health care professionals or licensed health care professionals who function under the direction of or in collaboration with a physician or a hospital, or both, for example, other doctors, students, nurses, physician's assistants, therapists, clinical social workers, psychologists;
2. Hospital or physician clinic staff members;
3. Professional boards on which health professionals serve, for example, a nurse serving on the board of the American Cancer Society;
4. Patients acting under the direction of a licensed health care professional;
5. Health care employees of facilities that have a contractual agreement with the hospital or physician;
6. Health care employees of facilities that do not have a contractual agreement with the hospital or physician clinic;
7. Employees of health care associations for various health care employees, for example, Association of Iowa Hospitals and Health Systems, Iowa Medical Society, Iowa Osteopathic Medical Association, Iowa Chiropractic Society, Iowa Nurses Association;
8. Professional board members where a health care professional serves as a member of a board, for example, a physician serving on the board of the American Cancer Society.

This chapter is intended to implement Iowa Code sections 8D.2, 8D.3(1), 8D.3(3)“b,” and 8D.13(14) to 8D.13(17).

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